

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 17, 2008
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Patrick Baker, Interim City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read a proclamation declaring March 30, 2008 as Black Marriage Day which was presented to Mr. and Mrs. Newman, Chair of the Union Baptist Church Couple's Ministry. He also made comments on the proclamation prepared honoring the late Senator Jeanne Lucas.

Mayor Bell made comments on the series of tragedies that occurred recently. He stated he received a call from Mayor Kevin Foy of Chapel Hill who thanked the Durham Police Department and other law enforcement agencies with apprehending the suspects in the death of Eve Carson.

Mayor Bell recognized the Police Department for their everyday efforts to reduce and solve crime and especially with the efforts related to the murders of Eve Carson and Duke University graduate student Abhijit Mahato.

Police Chief Jose Lopez thanked his officers in attendance for their efforts during the investigation of those murders.

Mayor Bell made comments on the Duke University student Abhijit Mahato that was murdered. He discussed the meeting that took place with the Indian Embassy regarding this situation and reported he wrote a letter to the parents of Mr. Mahato. Also, he made comments on an e-mail he received from a citizen who indicated they were a robbery victim of Lawrence Lovette, Jr.

Mayor Bell asked the City Manager to take the lead to find out the following regarding Lawrence Lovette, Jr.: what occurred in this robbery case, process from the time Mr. Lovette was arrested until he was released; if victims were notified anytime of this process; what was the role of the District Attorney's Office, Judges, probation officer and the Police Department; when was he arrested and released; what was the initial bail bond when he was arrested and the bail bond under which he was released. Mayor Bell stated if mistakes were made, we need to know why, where and what needs to be done to prevent this from occurring again.

Mayor Bell briefed everyone on the meeting that took place with him along with the City

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Manager, Judge Hudson, Judge Bushfan and Chief Magistrate Kathy Short to discuss the process of raising the bail bond for persons who were accused of crimes committed with firearms. He stated the judges requested the presence of police personnel at the first preliminary hearing for the bail bond review to have complete information when they are making a decision. He made a commitment that the Police Department would comply with the request and asked Police Chief Lopez to provide a report at a Work Session on where the Police Department is in that role.

Council Member Brown made comments on the discussion that took place at the recent Crime Cabinet Meeting regarding the murders of Eve Carson and Abhijit Mahato. He announced that on April 8, 2008 at 12 noon at the County Administration Building, Director Donald Pinchback with the Department of Corrections will report his analysis/findings on the investigation of the Atwater and Lovette case. He urged his colleagues to join together to reform the system as a top priority.

Council Member Catotti thanked the Police Department for their role in apprehending the suspects, congratulated the Inter-Neighborhood Council and honorees of the Neighborhood Heroes Awards Recognition Ceremony.

Council Member Woodard thanked Mayor Bell and City Manager Baker for their leadership on the bail bond issue, invited everyone to attend the Religious Coalition for Non-violence's Vigil in memory of Abhijit Mahato on March 24 at 6 pm at 1600 Anderson Street, congratulated the Urban Ministries of Durham and staff on their Annual Empty Bowl event, and recognized the Junior League of Durham and Orange Counties for their annual Civic Leaders Breakfast.

Council Member Clement commented on the murders and discussed the need to merge City and County governments.

Mayor Pro Tempore Cole-McFadden announced she was appointed to the Human Development Steering Committee for the National League of Cities, reported on her attendance at the NLC's Conference recently held in Washington, DC and thanked everyone involved with the CROP Walk event.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that Agenda Item #15 - Recodifying the City Code and Adopting a Fee Booklet be referred back to the administration--City Attorney's Office. He gave an update on the water supply highlighting the current status of Lake Michie and Little River, remaining days of supply, Teer Quarry, water purchase from Cary, 1st and 2nd interconnections with Cary. Based on the water levels in the lakes, he reported Little River and Lake Michie will open for recreational purposes beginning March 22, 2008. He stated the following topics will be discussed at the upcoming Work Session: Lake levels and current restrictions.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the City Manager's priority items was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Agenda items 18 and 24 were pulled.

MOTION by Council Member Woodard seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Woodard seconded by Council Member Catotti to approve City Council minutes for the February 18, 2008 City Council Meeting; and

To approve City Council action taken at the February 7, 2008 City Council Work Session was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CITIZENS ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Council Member Woodard seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Citizens Advisory Committee with the term to expire on June 30, 2009 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS AND APPOINTMENTS

MOTION by Council Member Woodard seconded by Council Member Catotti to appoint the following citizens to the Durham Performing Arts Center Oversight Committee was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mary Ann Black representing Community Relations (term expires March 1, 2011)
Sherry Devries representing Arts & Culture (term expires March 1, 2011)
Kenneth Lile representing Facility Management (term expires March 1, 2011)

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Donna Sylver representing Finance (term expires March 1, 2010)

SUBJECT: DURHAM AREA TRANSIT AUTHORITY BOARD OF TRUSTEES - APPOINTMENTS

MOTION by Council Member Woodard seconded by Council Member Catotti to reappoint Rita Gregory and Robert A. Olason and to appoint Susan L. Brooks to the Durham Area Transit Authority Board of Trustees as Regular Members with terms to expire on March 1, 2011 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION - APPOINTMENT

MOTION by Council Member Woodard seconded by Council Member Catotti to appoint Lilah Besser to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with the term to expire on August 31, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CAPITAL PROGRAM ADVISORY COMMITTEE - APPOINTMENTS

To appoint citizens to fill three (3) vacancies on the Capital Program Advisory Committee to represent PAC 3, PAC 4 and PAC 5 with the terms to expire on March 31, 2010.

Note: This item was referred back to the City Clerk's Office for re-advertising.

SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT

MOTION by Council Member Woodard seconded by Council Member Catotti to appoint Jarrod B. Edens to fill one (1) vacancy on the Durham Planning Commission to represent At-Large with the term to expire on June 30, 2009 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CAPITAL PROGRAM ADVISORY COMMITTEE - REAPPOINTMENT

MOTION by Council Member Woodard seconded by Council Member Catotti to reappoint John Steer to the Capital Program Advisory Committee with a term to expire on March 31, 2011 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None.
Absent: None.

SUBJECT: STREET CLOSING - A PORTION OF RUSTICA DRIVE BETWEEN ED COOK ROAD AND SOUTH ALSTON AVENUE (SC07-11)

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt a resolution to set a public hearing for April 21, 2008 on the proposed closing of a 1,412.33 linear foot portion of Rustica Drive between Ed Cook Road and South Alston Avenue was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9533

SUBJECT: RIGHT-OF-WAY CLOSING – EXCESS RIGHT-OF-WAY FOR MARTIN LUTHER KING, JR. PARKWAY (SC07-12)

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt a resolution to set a public hearing for April 21, 2008 on the proposed closing of excess right-of way for Martin Luther King, Jr. Parkway between Industry Lane and Fayetteville Road was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9534

SUBJECT: WATER EXTENSION AGREEMENT WITH D EIGHT CORPORATION TO SERVE COOK ROAD TOWNHOMES

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a Water Extension Agreement with D Eight Corporation to serve Cook Road Townhomes; and

To authorize the City Manager to modify the agreement prior to execution provided that such modifications do not increase the dollar amount of the agreement and do not significantly decrease the obligations of the contractor was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT WITH LUIS FELIPE DEHARO CRUZ - 110 PLEASANT DRIVE

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MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a Sewer Extension Agreement with Luis Felipe Deharo Cruz to serve 110 Pleasant Drive; and

To authorize the City Manager to modify the agreement prior to execution provided that such modifications do not increase the dollar amount of the agreement and do not significantly decrease the obligations of the contractor was approved at 7:46 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH SHERRON ROAD VENTURES, LLC TO SERVE RAVENSTONE III

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Sherron Road Ventures, LLC to serve Ravenstone III; and

To authorize the City Manager to modify the agreement prior to execution provided that such modifications do not increase the dollar amount of the agreement and do not significantly decrease the obligations of the contractor was approved at 7:46 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH EAST DURHAM LAND COMPANY, LLC TO SERVE DOC NICHOLS SUBDIVISION

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with East Durham Land Company, LLC to serve Doc Nichols Subdivision; and

To authorize the City Manager to modify the agreement prior to execution provided that such modifications do not increase the dollar amount of the agreement and do not significantly decrease the obligations of the contractor was approved at 7:46 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: RECODIFYING THE CITY CODE AND ADOPTING A FEE BOOKLET

To adopt an Ordinance repealing the 1982 City Code and Adopting a Revised City Code;

To adopt an Ordinance Making Corrections to and to Fill Omissions in the 2008 City Code;

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To adopt an Ordinance Adopting the Fee Booklet;

To adopt an Ordinance Amending Section 50-86 of the City Code with Respect to Penalties for Violation of the Taxicab Ordinances; and

To adopt a Resolution Revising Resolution Establishing Fees, Rates and Charges on Certain Delinquent and Past Due Accounts.

Note: By a vote of 7/0, the City Council referred this item back to the administration [City Attorney's Office] at the request of the City Manager.

SUBJECT: HOUSING FOR NEW HOPE 2007-08 ESG SUB-RECIPIENT CONTRACT

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the expenditure of ESG funds in an amount not to exceed \$47,643.00;

To authorize the City Manager to execute an ESG Sub-recipient Agreement with Housing for New Hope, Inc. to manage their homeless prevention program; and

To authorize the City Manager make changes to the documents that do not increase the contract amount, lessen the sub-recipient's duties, or extend the term of the contract beyond a date that is 12 months from the date of final execution of this contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: NAMING RIGHTS AGREEMENT FOR THE STAGE OF DURHAM PERFORMING ARTS CENTER – MILDRED AND DILLARD TEER STAGE

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute the "Letter of Intent: Naming Rights Sponsorship of the stage at the DPAC", in the amount of \$1,200,000.00 million to be paid by Robert D. Teer, Jr. on behalf of the Teer Family over a 10 year period;

To authorize the City Manager to enter into contract negotiations to finalize the agreement; and

To authorize the City Manager to make modifications to the Letter of Intent so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: BID REPORT - JANUARY 2008

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MOTION by Council Member Woodard seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of January 2008 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Date: February 6, 2008

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager
Keith Herrmann, Interim Finance Director

From: Joseph W. Clark, CLGPO, Purchasing Manager

Subject: Bid Report – January 2008

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **January 2008**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Contract Extension - Estimated Annual Requirements for Tankwagon/Automatic Fill Up for Kerosene and Heating Fuel**

Purpose of Bid: To provide various city departments with kerosene and heating fuel

Comments: Couch Oil has agreed to extend the contract an additional 12 months

Opened: December 29, 2006

Bidders: Couch Oil Company *\$32,155.00
Durham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	13		# Black Males	4	31%
Total # Females	2	15%	# White Males	7	54%
Total # Males	11	85%	# Other Males	0	0%
			# Black Females	0	0%

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# White Females	2	15%
# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Telephone System for the Qualex Building

Purpose of Bid: To provide a telephone system for the leased space in the Qualex Building

Comments: This is a part of the City Hall renovation project

Opened: December 20, 2007

Bidders:	Allcom Business Solutions	* \$23,701.50
	Holly Springs, NC	
	A1 Teletronics	\$42,200.00
	St. Petersburg, FL	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3		# Black Males	0	0%
Total # Females	0	0%	# White Males	3	100%
Total # Males	3	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: IT Switches and Routers for the Qualex Building

Purpose of Bid: To provide the various City departments with IT connection moving to the Qualex Building.

Comments:

Opened: January 3, 2008

Bidders:	GovConnection	*\$25,464.53
	Merrimack, NH	
	TigerDirect, Inc.	\$27,253.91
	Raleigh, NC	
	CDWG	\$27,740.00

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Vernon Hills, IL

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	100		# Black Males	1	04%
Total # Females	36	44%	# White Males	63	52%
Total # Males	64	56%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	35	40%
			# Other Females	1	04%

The SDBE Data Base was used in the solicitation of bids for this item.

4. **Bid:** **Specialized Trojan Ultra Violet Wastewater Treatment parts**

Purpose of Bid: To provide the Water Management Department with spare parts

Comments: EW2 Environmental is the sole regional source for Trojan brand UV parts, sales, and service.

Opened: January 9, 2008

Bidders: EW2 Environmental, Inc. * \$43,482.90
Charlotte, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	3	38%	# White Males	5	62%
Total # Males	5	62%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	38%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. **Bid:** **One (1) Wheelchair Accessible Bus**

Purpose of Bid: To provide the Parks & Recreation Department with a bus

Comments:

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Opened: January 10, 2008

Bidders: White's Tractor & Truck, Inc. * \$89,796.00
Wilson, NC
Carolina International Trucks \$96,477.00
Columbia, SC

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	175		# Black Males	9	5%
Total # Females	25	14%	# White Males	139	79%
Total # Males	150	86%	# Other Males	2	1%
			# Black Females	0	0%
			# White Females	25	14%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. Bid: One (1) Cargo Van

Purpose of Bid: To provide the Police Department with a Cargo Van

Comments:

Opened: January 15, 2008

Bidders: University Ford * \$18,660.00
Durham, NC
Vic Bailey Ford \$19,000.00
Spartanburg, SC

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

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7. Bid: Sewer and Storm Drain Pole Camera and Accessories

Purpose of Bid: To provide the Stormwater Services Division with a Pole Camera

Comments: Public Works Equipment is the sole regional source for the QuickView Professional 24 Package. This brand is needed to be compatible with existing pole camera equipment and accessories.

Opened: January 22, 2008

Bidders: Public Works Equipment & Supply, Inc. * \$19,128.00
Monroe, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6		# Black Males	1	17%
Total # Females	2	33%	# White Males	3	50%
Total # Males	4	67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	33%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: One (1) 17,950 GVWR Truck

Purpose of Bid: To provide the Storm Water Maintenance Division with a truck

Comments:

Opened: January 23, 2008

Bidders: University Ford * \$28,347.00
Durham, NC
Vic Bailey Ford \$30,085.00
Spartanburg, SC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
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Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

9. Bid: One (1) Service Truck Body

Purpose of Bid: To provide the Storm Water Maintenance Division with a Service Truck Body

Comments:

Opened: January 23, 2008

Bidders:	Quality Truck Bodies	* \$15,584.00
	Wilson, NC	
	Ford Body Company	\$16,698.00
	Greensboro, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	12		# Black Males	1	8%
Total # Females	1	8%	# White Males	7	59%
Total # Males	11	92%	# Other Males	3	25%
			# Black Females	0	0%
			# White Females	1	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

10. Bid: Furnish and Install 10-ton HVAC unit at the Water Management maintenance building

Purpose of Bid: To replace HVAC unit.

Comments:

Opened: January 15, 2008

Bidders:	Climate Control Experts	* \$10,500.00
	Bahama, NC	
	Carolina Air Conditioning Company	\$10,980.00

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Durham, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	6	86%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

11. Bid: Six (6) 20' Trash Dump Bodies

Purpose of Bid: To provide the Solid Waste Department with Truck bodies

Comments: Six bodies at \$11,575.00 each

Opened: January 22, 2008

Bidders:	Godwin Manufacturing Co.	* \$69,450.00
	Dunn, NC	
	Allwaste Services, Inc.	\$77,940.00
	Lexington, SC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	174		# Black Males	26	15%
Total # Females	42	24%	# White Males	70	40%
Total # Males	132	76%	# Other Males	36	21%
			# Black Females	4	2%
			# White Females	33	19%
			# Other Females	5	3%

The SDBE Data Base was used in the solicitation of bids for this item.

12. Bid: One (1) Service Truck Body

Purpose of Bid: To provide the Street Maintenance Division with a Service Truck Body

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Comments:

Opened: January 30, 2008

Bidders: Quality Truck Bodies * \$15,584.00
Wilson, NC
Ford Body Company \$16,698.00
Greensboro, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	12		# Black Males	1	8%
Total # Females	1	8%	# White Males	7	59%
Total # Males	11	92%	# Other Males	3	25%
			# Black Females	0	0%
			# White Females	1	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

13. Bid: ACIS Emulator Software Licenses and Support

Purpose of Bid: The emulator software will allow Police personnel to access the State of North Carolina's ACIS (Automated Criminal Information System)

Comments: SDI USA is the sole source for this product.

Opened: January 24, 2008

Bidders: SDI USA, Inc. * \$15,000.00
San Mateo, CA

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	0%
Total # Females	2	20%	# White Males	8	80%
Total # Males	8	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	20%
			# Other Females	0	0%

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14. Bid: Two (2) Cab Mounted Material Handling Knuckle Boom Loaders

Purpose of Bid: To provide the Solid Waste Management Department with Material Handling Knuckle Boom Loaders

Comments: Two @ \$41,874.00 each

Opened: January 22, 2008

Bidders:	Amick Equipment Company, Inc.	* \$83,748.00
	Lexington, SC	
	Allwaste Services, Inc.	\$86,232.00
	Lexington, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	20		# Black Males	0	0%
Total # Females	4	20%	# White Males	16	80%
Total # Males	16	80%	# Other Males	0	0%
			# Black Females	1	5%
			# White Females	3	15%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

SUBJECT: ANNUAL INSURANCE PLAN 2008-2009

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to maintain the general insurance plan as listed below;

To authorize the City Manager to make modifications as may be needed provided they are consistent with the City's overall risk management and financial objectives;

To authorize the City Manager to make additional insurance purchases throughout the year, as needed for special event, lease and contract requirements, new programs, and builders risk insurance; and

To authorize the City Manager to pay total premiums not to exceed \$750,470.00 to maintain the Annual Insurance Plan beginning April 1, 2008 was approved at 7:46 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

City of Durham Insurance Plan
Policies, Premiums, and Commissions, 2008-2009

Carrier	Policy Type	Policy No.	Renewal Date	Premium	Commission %	Commission \$'s
Safety National Casualty Corporation	Excess Workers' Compensation - \$25M Limit, \$750,000 SIR	SP-1N02-NC	4/1	\$172,624	0%	\$0
Everest Indemnity	Excess Liability - \$10M per occ., SIR: \$1M	71P2000024-071	4/1	\$151,642	0%	\$0
Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Public Officials Bond \$250k Fin. Officer	8121749	4/1	\$703	0%	\$0
Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Public Officials Bond \$250k Dep. Fin. Off.	8261643	4/1	\$703	0%	\$0
Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Public Officials Bond \$250k Purchasing Officer	New Position as of 3/20/06	4/1	\$703	0%	\$0
Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Public Officials Bond \$250k Treasurer	8261656	4/1	\$703	0%	\$0
Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Public Officials Bond 4250k Tax Collector	8261670	4/1	\$703	0%	\$0

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Fidelity and Deposit Co of MD (Zurich Insurance Grp)	Crime	CCP112044 210	4/1	\$7,733	0%	\$0
U.S. Fire	Accident Coverage		3/31	\$22,746	0%	\$0
Lloyds of London	Property	QSM1425	4/17	\$16,293	0%	\$0
Cincinnati	Boiler & Machinery *	Cov. w/Cincinnati	5/30	\$18,682		\$0
Chicago Insurance Company	Professional Liability (3 Nurses)	AHL128064 4	6/27	\$276	0%	\$0
Chicago Insurance Company	Professional Liability (PA)		6/5	\$1,960	0%	\$0
Life Insurance Company of North America	Volunteers *	Cert# NCDURH1 2	7/1	\$1,400	0%	\$0
St. Paul Travelers	Property (\$300 million limit/\$150,000 deductible)	KTK-CMB-3998C76-1-07	4/1	\$188,945	0%	\$0
Fireman's Fund	Auto & Equip. Physical Damage	MXI 97551744	4/1	\$31,982	0%	\$0
Hartford	Flood	9902473646 2006	08/27/07	\$1,498	20%	\$299.60
		Policy Fee **		\$30	0%	\$0
Hartford	Flood	9901618847 2004	08/31/07	\$3,221	20%	\$644.20
		Policy Fee **		\$30	0%	0
Travelers	Automobile	BAP1111A 96AIND06	9/18	\$2,815	10%	\$281.50
				\$625,392		\$1,225

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**SUBJECT: ORDINANCE AMENDING DURHAM CITY CODE CHAPTER 23
ARTICLE VI, WATER CONSERVATION CONTAINING DROUGHT
RESPONSE MEASURES FOR PERMITTING AND CONSTRUCTION
ACTIVITIES, AND TO MAKE OTHER MISCELLANEOUS**

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt an Ordinance Amending Durham City Code Chapter 23, Article VI, Water Conservation, Section 23-163 et seq. to establish additional conservation and water use restrictions permitting and construction activities, and to make other miscellaneous changes in the conservation ordinance was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13560

**SUBJECT: PASS-THROUGH AGREEMENTS WITH THE TOWN OF CHAPEL
HILL AND TRIANGLE TRANSIT AUTHORITY [TTA] FOR
ALLOCATION, DISBURSEMENT AND ACCOUNTING OF SECTIONS
5316 AND 5317 FUNDS**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute the Pass-through Agreements with the Town of Chapel Hill and the Triangle Transit Authority (TTA) for the allocation, disbursement and accounting of the Section 5316, JARC and Section 5317, NF funds; and

To authorize the City Manager to make modifications to the agreements provided that the modifications do not differ from the original intent of the agreements and do not increase the City's financial obligation was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CITY OF DURHAM AND NCDOT FY 2007-2008 TRANSPORTATION
PLANNING GRANT PROJECT ORDINANCE SUPERSEDING
"TRANSPORTATION PLANNING GRANT PROJECT ORDINANCE
#13432"**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham and the North Carolina Department of Transportation-Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance-FY 2007-2008 Grant by executing the grant documents; and

To adopt the City of Durham and the North Carolina Department of Transportation-Section 104(f) and Section 133(b) (3) (7) Transportation Planning Grant Project Ordinance-FY 2007-2008 grant project ordinance superseding Grant Project Ordinance #13432 was approved at 7:46

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p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13562

SUBJECT: JOB ACCESS REVERSE COMMUTE (JARC) AND NEW FREEDOM (NF) GRANT PROJECT ORDINANCE

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the JARC (Section 5316) and NF (Section 5317) Grant by executing the grant documents; and

To adopt the JARC (Section 5316) and NF (Section 5317) Grant Project Ordinance was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13563

SUBJECT: DUMPSTER RENTAL AND REPAIR SERVICES CONTRACT - TIDEWATER FIBRE CORP

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a contract between the City of Durham and Tidewater Fibre Corp to provide dumpster rental and repair services for a period of three years effective April 15, 2008 and ending April 14, 2011; and

To authorize the City Manager to modify the contract if necessary prior to execution, provided the modifications do not increase the amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: MICROSOFT BUSINESS INTELLIGENCE TECHNOLOGY PROOF OF CONCEPT - MICROSOFT CORPORATION

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a work order agreement with Microsoft Corporation for Business Intelligence Technology proof of Concept in the amount of \$89,112.00; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:46 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the March 6, 2008 Work Session:

20. Implementation of a Retirement Health Savings (RHS) Plan

To authorize the City Manager to take the necessary steps to establish a Retirement Health Savings Plan with ICMA Retirement Corporation, including the following: Establish a retiree welfare benefits plan; Execute a plan adoption agreement; Complete all appropriate administrative tasks to establish the plan; Execute the Administrative Services Agreement between the City and ICMA RC for plan administration; Make a declaration of trust establishing the legal entity to hold assets; Adopt the Plan Adoption Resolution; and, any other actions necessary to establish the RHS plan.

(This item was referred to the Insurance Sub-committee)

22. Parking System Management Services Contract

To authorize the City Manager to execute a three year contract with Lanier Parking Systems (LPS) of North Carolina, Inc. to provide professional parking system management services and to be compensated in the amount of \$3,126,153.65 (which includes fixed fees plus estimated reimbursement for special events parking in the amount of \$25,000.00) starting April 1, 2008; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the dollar amount of the contract and do not decrease the services provided.

(This item was referred back to the Administration – General Services Dept.)

30. Upper Neuse River Basin Association Efforts Regarding Low-Impact Development Techniques

To receive a presentation on the efforts that the Upper Neuse River Basin Association has made regarding low-impact development techniques.

(A presentation was received at the 03/06/08 Work Session)

36. Water and Sewer Update

To receive a Water and Sewer Update.

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(An update was received at the 03/06/08 Work Session)

38. City Hall Renovations

To receive an update on the status of City Hall Renovations.

(An update was received at the 03/06/08 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE – APPOINTMENTS

To appoint a citizen to fill one (1) vacancy on the Durham Performing Arts Center Oversight Committee to represent Business with the term to expire on March 1, 2010.

City Clerk Gray reported the following results from the ballots and informed Council that four votes were needed to appoint a citizen.

Anna Branly – received 3 votes

Marty Belin – received 2 votes

Michael G. Page – received 2 votes

Note: Further discussion was held on this item later in the meeting.

SUBJECT: FULL FRAME DOCUMENTARY FILM FESTIVAL

Council Member Clement raised a concern with serving beer and wine during this festival at a City supported venue.

Ted Mott, representing Full Frame Documentary Film Festival, stated it is not necessary to serve beer and wine, but there are certain expectations of the festival atmosphere and commented on their eight-year track record of no incidents involving alcohol.

MOTION by Council Member Catotti seconded by Council Member Woodard to permit the Giorgios Hospitality Group to sell and serve beer and wine at the Downtown Durham Civic Center Plaza during the Full Frame Documentary Film Festival on April 3-6, 2008 was approved at 7:51 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti and Woodard. Noes: Council Member Clement. Absent: None.

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**SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM
AND COUNTY OF DURHAM FOR SHARING OF SALES TAX
REVENUE**

City Manager Baker provided Council with an updated memo which reflected the current offer and recommendation of acceptance from the administration regarding the sharing of sales tax revenue. He reported the significant changes include the distribution ratio at 42% for the City and 58% for the County, and that the provision requiring a 50/50 split of the 1/2 cent Article 44 tax over the \$3.8 million baseline will be eliminated from the new agreement.

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a 5-year interlocal agreement with the County of Durham for the sharing of sales tax revenue consistent with the direction and terms provided in the agenda memorandum or more favorable terms should such be reached was approved at 7:52 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: GREENFIRE PHASE II DEVELOPMENT DEAL POINTS

City Manager Baker informed Council that additional information has been provided to them which addressed questions raised at the Work Session which highlighted staff's recommendation for approval of deal points which is the agreement to negotiate the development agreement between the City and Greenfire. He noted staff is asking for direction from Council to move forward with the negotiation of a detailed development agreement that will come back for Council approval in June 2008.

Bill Kalkhof, of Downtown Durham, made comments on the following guiding principles when consulting with private and public partners--is the proposed development project consistent with the goals of the downtown master plan and is the public-private partnership a good deal for the Durham taxpayers. He reported since the answer to both of the above questions is yes for the Greenfire Development agreement, DDI Board of Directors recommended that Council approve the deal points with Greenfire which would allow staff to proceed with a detailed development agreement. He outlined reasons why Greenfire should be given a chance to move forward and stated there should be a detailed parking plan as part of the final development agreement to make sure the needs of the existing downtown businesses are addressed during the construction phases of the development projects. He stated since the February 21st Work Session, the Greenfire Team and Alan DeLisle have met with numerous people in the organization to discuss the agreement and to listen to all concerns.

Kevin McDonald, representing TROSA, made comments in support of Greenfire.

John Warasila, of P O Box 1090, stated there is a tremendous amount of positive aspects to this project if it goes forward in the right way; however, he raised a concern with making sure it is executed properly. He asked that the following key points be considered in moving forward with this project: 1) whether transferring public assets to the private sector should be considered 2)

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requested that the process be transparent and ideas coming forward from the public process should be implemented in some way; 3) asked how the parking will be handled as the project is implemented and 4) placing a moratorium on the acquisition of further land going forward.

Sean Cunningham stated this deal should be constructed in a way that is going to be successful. He noted there should be public involvement to include information on parking for restaurants, structures that will be built in downtown and how neighbors/citizens can participate in this process.

Steve Channing, of 2725 Sevier, shared comments regarding Greenfire and spoke in support of moving forward with this item.

Wendy Jacobs, of 142 Solterra Way, stated she is excited about Greenfire's vision for downtown Durham and their environmental commitment.

Kim Breeden, of Big Brothers Big Sisters and a Greenfire Board Member, spoke in support of this item urging Council to support the development plans of Greenfire because they are bringing life back to downtown Durham.

Victoria Peterson made comments in support of Greenfire and encouraged Greenfire to hire local residents.

Jim Anile, of 107 W. Main Street--Revolution Restaurant, spoke in favor of Greenfire's vision.

Bruce Harrod, of 3417 Darwin Road, urged Council to give strong consideration in moving this project forward and explained why Council should support this item.

Cheryl Chamblee, of Both Hands Theatre Company, shared her thoughts and experience of partnering with Greenfire. She stated Greenfire is made of people who have a sincere interest and ability for creating a downtown that is economically viable by retaining the special quality of Durham.

Ted Conner, representing Durham Chamber of Commerce, urged Council to allow downtown to continue building and growing by allowing Greenfire to invest in our downtown.

Chuck Watts, representing Parrish Street Advocacy Group, spoke in support of this item commenting on the parking issue, Parrish Street and the home-grown talent associated with Greenfire.

Dewayne Washington, Investor and Partner of Greenfire, made comments in support of this request and urged Council to move forward and turn the lights back on in downtown Durham.

Charlie Deal, representing Dos Perros, Inc., spoke in support of this item. He urged Council to help Greenfire see this mission through.

Assistant City Manager/Director of Economic and Workforce Development Alan DeLisle

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explained the City's participation stating all incentives are given only after the buildings are completed. He stated the developer would have to produce performance-based incentives and the City's investment goes in after they verify the amount of the investment they have made per the agreement. He reported there is nothing that the City is putting into the deal up front, or is at-risk--everything is as the City moves along and as the developer verifies their financing is in place for each parcel. Also, he discussed the financial profile and development experience of Greenfire.

Mayor Pro Tempore Cole-McFadden spoke in support of this project because the developer is from Durham, and their efforts of giving back to the community.

Council Member Catotti thanked everyone who raised questions/concerns and encouraged everyone with concerns about this deal to bring them forward. She requested that the concerns raised regarding the parking plan, transitional parking, affordable housing and the gap in financing be addressed before the final development agreement comes back to Council later this summer.

Council Member Brown expressed concerns about the transfer of a public asset [parking lot] into private hands with no RFP, or no competition, 10% of apartments being set aside for low- to-moderate income families, subsidizing an office building in downtown Durham--what kind of precedent will that create. He stated he would support this project with the understanding that it succeeds.

Council Member Woodard made comments on the issue of AAR --After Action Review and asked the City Manager to build in a period of information sharing and gathering for all future public and private partnerships, that is, the first time a project is seen by Council it is presented at a work session as a presentation with no Council action to approve until the next agenda cycle. Also, he requested that this model [AAR] begin when the development agreement comes back to Council this summer.

Mayor Bell discussed the project incentives he had been involved with since becoming Mayor and stated there will be a need for institutional memory since he will not be around when this project is complete.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into non-binding Deal Points between the City of Durham and Greenfire Real Estate Holdings, LLC; and

To authorize the City Manager to negotiate a final Development Agreement with Greenfire Real Estate Holdings, LLC was approved at 8:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

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SUBJECT: VOLUNTARY ANNEXATION PETITION RECEIVED BY JANUARY 1, 2008 - DUKE LEMUR CENTER

a) FY2008-10 Duke Lemur Center

To receive citizens' comments concerning the annexation of the following Voluntary Annexation Area-- FY2008-10 Duke Lemur Center; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 30, 2008.

Interim Budget Director Bertha Johnson informed Council that the effective date of April 21, 2008 on the ordinance is correct and the date on the agenda item is not.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive citizens' comments concerning the annexation of the following Voluntary Annexation Area-- FY2008-10 Duke Lemur Center; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after April 21, 2008 was approved at 8:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13558

SUBJECT: STREET, PARKS AND RECREATION AND OPEN SPACE IMPACT FEE REVISIONS

Director of Strategic Initiatives Julie Brenman made comments on this item. She informed Council that the methodology for an update to the impact fees was presented in April 2007 and that there has been community discussion regarding this item.

Mayor Bell opened the public hearing.

Ted Conner stated the Durham Chamber of Commerce understands the need for impact fees to allow for the development of a quality transportation infrastructure in Durham. He made comments concerning the recession issue and urged Council to consider the rate structure impact of the competitors to the east and south of Durham and to make sure the impact fee increases allow Durham to remain in a competitive situation. He stated there are concerns in the business community relative to the development review and permitting process.

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David Hausfeld, President of HBA of Durham, Orange and Chatham Counties, stated it is a horrible time to be increasing the cost of new homes, given the state of the market. He urged Council to delay the increase, or make it effective in smaller increments which would be an appropriate policy choice. He stated Durham does not need to be the triangle leader in fees charged overtaking Cary--as it occurs with the second year of the proposed fee schedule. Also, he made comments relative to development review process.

Bill Kalkhof, of Downtown Durham, Inc., provided Council with a handout and urged them to continue to adopt and execute the recommendations of the Development Review Process Task Force. He made comments in support of the following issues: administration's decision to keep three impact fee zones in the community, including the downtown zone; and open space and parks impact fees. He also raised a question concerning the payment in lieu of the development requirement, offered suggestions concerning the issue of street impact fees--sustainable development in downtown, and requested that the Golden Belt development project be included in the downtown zone.

Patrick Byker, representing National Association of Industrial and Office Properties, stated based on significant analysis of the information shared by Julie Brenman they can accept staff's recommendation for the increase of street impact fees scheduled to take effect July 1, 2008. He requested that the second impact increase fee proposed for July 1, 2009 be implemented if there is significant and measureable progress in improving the City's development review process. Regarding the improvement of the development review process, he urged Council to review their letter to Julie Brenman dated March 5, 2008.

Mayor Bell closed the public hearing.

Deputy City Manager Ted Voorhees informed Council that a meeting with the development community is scheduled for Wednesday. After that meeting staff will bring an item to the next regularly scheduled Work Session.

Mayor Bell stated he would prefer holding off on adopting fees until Council has received input from the administration in terms of the progress regarding the development review process.

Council held discussion on the handout submitted by the Homebuilders Association.

Council Member Clement stated until the development review process is improved, he cannot support the increase in fees.

Mayor Pro Tempore Cole-McFadden spoke in support of holding this item one cycle until staff provides additional information from the development community meeting that is scheduled for Wednesday.

A motion was made by Council Member Woodard seconded by Council Member Catotti to adopt the fee schedule for July 1, 2008 and to direct the administration to provide a report to

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Council on the development review process in two cycles before acting on the fee schedule change for July 1, 2009.

Council Member Brown mentioned there have been discussions for a long time regarding the development review process.

Director of Strategic Initiatives Julie Brenman reported the Parks and Recreation and Open Space impact fees have not been increased since 1989 when the ordinance was originally adopted. She mentioned the street impact fees were last updated in 2000 with a minor update in 2004 that did not affect the fee schedule. Also, she reported the impact fees, while tied to the development, are for construction of facilities based on the impact of new development for streets, open space and parks; however, there is \$300 million worth of unfunded projects that these impact fees will support.

Council held discussion on the motion, development review process/fees, impact fees, timing and public notification.

MOTION by Council Member Woodard seconded by Council Member Catotti to receive public comments on the proposed changes to the Street, Parks and Recreation and Open Space Ordinance (Durham City Code – Chapter 25) on March 17, 2008;

To adopt a revised Street, Parks and Recreation and Open Space Ordinance (Durham City Code Chapter 25)- as amended - effective July 1, 2008 [the fee schedule to become effective July 1, 2009 was removed from the ordinance]; and

To direct the administration to provide a report to Council on the development review process in two cycles before acting on the fee change for July 1, 2009 was approved at 9:40 p.m. by the following vote: Ayes: Council Members Ali, Brown, Catotti and Woodard. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Member Clement. Absent: None.

Ordinance #13564

SUBJECT: ZONING MAP CHANGE – JOVEN NORTHEAST CREEK REVISIONS (Z07-46)

To conduct a public hearing and receive public comments on the zoning map change for Joven Northeast Creek Revisions (Z07-46);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-46 out of IL(D), PDR 4.840 and placing same in and establishing same as IL(D), PDR 4.840; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

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Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 9-2 on February 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located north of Ellis Road, east of NC 147, and south of Stone Road. PIN: 0749-01-37-5402, -47-0390]

Scott Whiteman, of the City/County Planning Department, certified that all notifications have been issued as required by law and affidavits are on file for public review for all planning items on the agenda. Also, he briefed Council on the zoning map change informing them that the zoning change for this site was approved by the County Commissioners in June 2006, and reported the design guidelines that were approved as part of the zoning change are inconsistent with the development plan that was approved by the board. He stated this request would change the design guidelines to match the height and densities permitted by the development plan and that staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Clement to receive public comments on the zoning map change for Joven Northeast Creek Revisions (Z07-46);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-46 out of IL(D), PDR 4.840 and placing same in and establishing same as IL(D), PDR 4.840; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13565

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**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT –
TECHNICAL CHANGES IV (TC07-13)**

To conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Change – Technical Changes IV (TC07-13); and

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 3, Applications and Permits, Article 4, Zoning Districts, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 7, Design Standards, Article 8, Environmental Protection, Article 9, Landscaping and Buffering, Article 10, Off-Street Parking and Loading, Article 11, Sign Standards, Article 12, Infrastructure and Public Improvements, Article 13, Additional Requirements for Subdivisions, Article 14, Nonconformities, Article 15, Enforcement, and Article 16, Definitions.

Scott Whiteman, of the City/County Planning Department, briefed Council on the text amendment.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Catotti to receive public comments on the Unified Development Ordinance (UDO) Text Change – Technical Changes IV (TC07-13); and

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 3, Applications and Permits, Article 4, Zoning Districts, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 7, Design Standards, Article 8, Environmental Protection, Article 9, Landscaping and Buffering, Article 10, Off-Street Parking and Loading, Article 11, Sign Standards, Article 12, Infrastructure and Public Improvements, Article 13, Additional Requirements for Subdivisions, Article 14, Nonconformities, Article 15, Enforcement, and Article 16, Definitions was approved at 9:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13566

[ITEMS PULLED FROM CONSENT AGENDA]

**SUBJECT: CONTINUATION OF THE ORDINANCE TO PROMOTE EQUAL
BUSINESS OPPORTUNITIES IN CITY CONTRACTING AND THE
EQUAL BUSINESS OPPORTUNITY PROGRAM ADVISORY
COMMITTEE**

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Victoria Peterson asked the administration to add a provision to this ordinance requiring contractors to hire local residents.

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt an ordinance to extend the sunset of the current Ordinance to Promote Equal Business Opportunities in City Contracting, Chapter 26 of the City Code known as the Equal Business Opportunity Program(EBOP) until March 31, 2010; and

To extend the term of the EBOP Advisory Committee and its duties as they appear in Resolution #9021 until March 31, 2010 was approved at 9:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13559

SUBJECT: WAL-MART CRIME PREVENTION GRANT AWARD

Victoria Peterson requested that funding be utilized to conduct a study to review why so many young African American men are in trouble with the law.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to accept the Wal-Mart Crime Prevention Grant by executing the grant documents; and

To adopt the Wal-Mart Crime Prevention Grant Project Ordinance in the amount of \$1,000.00 was approved at 9:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13561

**SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE
– APPOINTMENTS**

To appoint a citizen to fill one (1) vacancy on the Durham Performing Arts Center Oversight Committee to represent Business with the term to expire on March 1, 2010.

City Clerk D. Ann Gray informed Council that Anna Branly was appointed with four votes by ballot to the Durham Performing Arts Center Oversight Committee with term expiring on March 1, 2010.

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There being no further business to come before the City Council, the meeting was adjourned at 9:52 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk